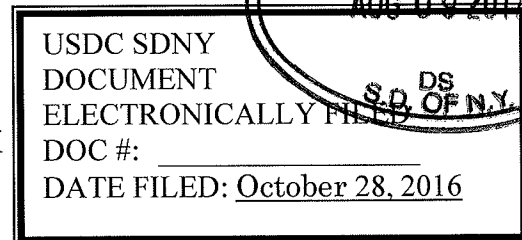


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
[UNDER SEAL],  
:

Plaintiff,  
:

-v- :

[UNDER SEAL],  
:

Defendant.  
:

16-cv-7820 (KBF)

ORDER

----- X  
KATHERINE B. FORREST, District Judge:

The Court has reviewed defendant's motion to dismiss and plaintiff's opposition to that motion. In light of the opposition's arguments at footnote 6 and at page 11 et seq., the Court hereby gives notice that the motion to dismiss is converted pursuant to Federal Rule of Civil Procedure 12(d) to one for summary judgment.

To the extent that plaintiff would like to present additional evidence pertinent to the motion, plaintiff must do so by **Friday, November 4, 2016**.

Defendant has until **Monday, November 14, 2016**, to reply.

SO ORDERED.

Dated: New York, New York  
October 28, 2016

KATHERINE B. FORREST  
United States District Judge